



Docket Number (Optional)

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MJS-2589-13

	Application Number 10/085,618	Filed March 1, 2002
	First Named Inventor ARAKANE	
	Art Unit 2622	Examiner L. Nguyen

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

Applicant/Inventor

Assignee of record of the entire interest. See 37 C.F.R. § 3.71. Statement under 37 C.F.R. § 3.73(b) is enclosed. (Form PTO/SB/96)

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Registration number if acting under 37 C.F.R. § 1.34 _____

February 28, 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.*

*Total of 1 form/s are submitted.

Signature

Michael J. Shea

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

ARAKANE, T. et al. Atty. Ref.: 2589-13; Confirmation No. 1820

Appl. No. 10/085,618 TC/A.U. 2622

Filed: March 1, 2002 Examiner: L. Nguyen

For: MOBILE APPARATUS INCORPORATING A CAMERA HAVING A HAND STRAP
FITTING PART

* * * * *

February 28, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Pursuant to the OG Notice of July 12, 2005, applicants hereby request a pre-appeal brief review of this case for at least the following reasons. This Request accompanies a Notice of Appeal.

Remarks begin on page 2.

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REMARKS

Reconsideration and allowance of the subject patent application are respectfully requested.

Claims 1-3¹ were rejected under 35 U.S.C. Section 103(a) as allegedly being "obvious" over the Admitted Prior Art of Figures 4A-4C of the subject patent application in view of Ichiyoshi (JP 3-198806). For the reasons set forth below, Applicants traverse this rejection.

The claim 1 arrangement solves the problem inherent in the mobile apparatus of prior art Figures 4A-4C. Specifically, the hand strap fitting part of the prior art mobile apparatus is formed on an identical surface on which a camera lens is located and a hand strap has a tied-end portion thereof fixed to and held by the hand strap fitting part. In the prior art mobile apparatus, a free-end portion of the hand strap is swingable and can move into a field of view of the camera lens when the mobile apparatus is held for photographing in an upright position in which a longer side of the mobile apparatus is held upright with a top portion thereof being directed upward.

Consequently, the Admitted Prior Art clearly does not show or suggest a hand strap fitting part disposed in the manner required by claim 1. In particular, in contrast to the claim 1 arrangement and as noted above, the hand strap fitting portion of the Admitted Prior Art is formed in a position that comes above the camera lens, whereby the free-end portion of the hand strap can swing into a field of view of camera lens 9 when the mobile apparatus is held for photographing. The office action acknowledges this deficiency of the Admitted Prior Art.

11/28/2006 Office Action, page 3.

To remedy this acknowledged deficiency, the office action relies on Ichiyoshi which shows a strap 14 for carrying a camera. According to the office action, "Ichiyoshi teaches a strap 14 used to carry a camera, the strap 14 is located below lens 11 (see Constitution, figure 1)." The office action concludes "it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Admitted Prior Art Figures 4A (sic) by the teaching of Ichiyoshi in order to prevent the hand strap from being swung in front of the lens."

¹ Based on a discussion between Examiner Nguyen and the undersigned, it was agreed that the amendment to claim 1 in the response filed December 28, 2006 does not raise any new issues.

However, in Ichiyoshi, the hand-strap fitting part for strap 14 is not formed on an identical surface on which camera lens 11 is located. In Ichiyoshi, the hand-strap fitting part is positioned rearwardly and on a different side of the camera than lens 11. It is for these reasons that the strap 14 does not move into a field of view of lens 11. Ichiyoshi might perhaps be argued to have suggested that the prior art device of Figures 4A-4C could be modified to reposition the hand strap fitting part 3 rearwardly and/or on a different side of the device than camera lens 9, but Ichiyoshi would have in no way suggested re-positioning the hand-strap fitting part 3 elsewhere on the identical surface on which the camera lens 9 is located.

Moreover, the English-language Abstract of Ichiyoshi describes that at the time of taking a picture, the free-end of the strap 14 is secured to the camera using connection member 16 so that “stable photographing is allowed.” Thus, at the time of taking a picture, there is no “free-end” portion of the strap that could possibly swing into the field of view of the camera lens. Ichiyoshi might perhaps be viewed as suggesting that the free-end portion of a strap be secured at the time of taking a picture. However, the securing of the free-end of portion when taking a picture is not at all suggestive of re-positioning the hand-strap fitting part 3 of Figures 4A-4C as claimed.

In short, claim 1 requires that the hand strap fitting part is formed in a position that comes below the camera lens on the identical surface on which the camera lens is located so that the free-end portion of the hand strap does not swing and move into a field of view of the camera lens when the mobile apparatus is held for photographing. In contrast, as discussed above, in Ichiyoshi, the fitting part of the strap 14 is not formed on an identical surface on which the camera lens 11 is located and Ichiyoshi is not subject to the problem of the free-end portion of the strap swinging into the field of view of the camera lens. Consequently, Ichiyoshi would not have been suggestive of the modification of the Admitted Prior Art necessary to result in the mobile apparatus of claims 1-3.

Claim 2 calls for the hand strap fitting part to be located in such a way that a swinging center of the hand strap comes below a horizontal line tangential to a bottom edge of the camera lens when the mobile apparatus is held for photographing in the upright position. As noted above, Ichiyoshi teaches securing the free-end of the strap 14 when holding the camera for photographing and thus Ichiyoshi would not have suggested the specific arrangement of claim 2.

For at least these reasons, Applicants respectfully submit that the rejections of the pending claims are improper and should be withdrawn.

Respectfully submitted,
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